

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF THE DISCIPLINARY  
PROCEEDINGS AGAINST

VICTORIA FETTER, M.D.  
  
RESPONDENT.

Case No. LS0002241MED

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FINAL DECISION AND ORDER  
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The parties to this action for the purposes of Wis. Stats. §. 227.53 are:

*Victoria Fetter, M.D.  
2040 W. Wisconsin Ave. Suite 515  
Milwaukee, WI 53233*

*Wisconsin Medical Examining Board  
P.O. Box 8935  
Madison, WI 53708-8935*

*Department of Regulation and Licensing  
Division of Enforcement  
P.O. Box 8935  
Madison, WI 53708-8935*

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Medical Examining Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Victoria Fetter, M.D., Respondent, date of birth November 8, 1941, is licensed and currently registered, to practice medicine and surgery in the state of Wisconsin, by the Wisconsin Medical Examining Board pursuant to license number 16473, which was first granted August 9, 1968.
2. Respondent's last address reported to the Department of Regulation and Licensing is 2040 W. Wisconsin Ave., Suite 515, Milwaukee, WI, 53233.
3. Respondent's specialty is psychiatry and Respondent has practiced at the address in Finding of Fact 2 at all times relevant to this matter.
4. Respondent provided Mrs. A with psychiatric services including medications and psychotherapy from July 27, 1994 until February 17, 1997.
5. Respondent initially diagnosed Mrs. A with major depression and mixed personality disorder. Mrs. A had a prior history of suicide attempts. Respondent hospitalized Mrs. A July 7 to 18, 1995, as a result of Mrs. A being a

danger to herself because of suicidal ideation. Later, Respondent diagnosed Mrs. A with bi-polar affective disorder

6. In approximately mid-December, 1996, Mrs. A's three adult children and Mr. A, who was Mrs. A's estranged husband, attended a therapy session Mrs. A had with Respondent. Although therapeutic issues were discussed in that session, Mrs. A did not authorize, or consent to, Respondent providing confidential information to her children or Mr. A after that session.

7. Respondent asked Mrs. A to provide Respondent with Mrs. A's children's telephone numbers. Mrs. A refused to do so.

8. On February 14, 1997, Respondent sent Mrs. A a letter, which stated, among other things: "Should you feel able and willing to accept the boundaries of the therapeutic relationship, I would be available to continue the work we have begun, with commendable results thus far." The letter lists the issues which Mrs. A still needed to address. There was no indication that Mrs. A was a risk of harming herself or others.

9. The morning of February 17, 1997, Mrs. A had a treatment session with Respondent and at that session discharged Respondent as Mrs. A's psychiatrist. Mrs. A was not a threat to others at that time.

10. Immediately after the treatment session of February 17, 1997, Respondent called Mrs. A's estranged husband Mr. A, without Mrs. A's consent or knowledge, and obtained the telephone numbers of Mrs. A's children from Mr. A..

11. As Mrs. A's psychiatrist, Respondent was to keep confidential anything Mrs. A told Respondent and anything Respondent observed about Mrs. A, unless Mrs. A consented to the disclosure or Respondent was lawfully required to divulge the information.

12. Still later on February 17, 1997, Respondent called Mrs. A's son, without Mrs. A's consent or knowledge. According to Mrs. A's son, the conversation lasted 40-45 minutes, and Respondent related the following confidential information about Mrs. A, some of which was not true:

- a. Mrs. A had serious problems.
- b. Mrs. A had been "pestering" Respondent and Respondent requested B's help.
- c. Respondent's criticism of Mrs. A's mother and her actions towards Mrs. A.

13. The evening of February 17, 1997 Respondent called Mrs. A's older daughter, without Mrs. A's consent or knowledge. According to that daughter, the conversation lasted approximately 45 minutes, and Respondent related the following confidential information about Mrs. A, some of which was not true:

- a. Mrs. A was crazy.
- b. Mrs. A had left a long, rude message on Respondent's answering machine.
- c. The nature of the relationship between Mrs. A and Mr. A, and specifically the anger that Mrs. A had towards her estranged husband.
- d. Mrs. A's mother had not treated Mrs. A properly when Mrs. A was a child.

14. On April 11, 1997, Mrs. A's younger daughter attempted to contact Respondent because of concerns that daughter had for Mrs. A and Mr. A, and the divorce that was pending. One of the things that daughter was interested in learning was whether Mrs. A might harm Mr. A. That daughter left a message for Respondent and later that day Respondent returned the call, without Mrs. A's consent or knowledge. According to that daughter, Respondent related the following confidential information about Mrs. A, some of which was not true:

- a. Mrs. A did not own a gun, but if she had, the earlier suicide attempts would have been successful.
- b. Respondent did not feel that Mrs. A would physically harm Mr. A.
- c. The daughter did not really know her mother.
- d. Mrs. A had pent-up anger, especially towards Mr. A, and was just beginning to release it.
- e. Mrs. A never really loved Mr. A, but married him because Mrs. A's father had said that Mr. A was a good man for her.
- f. Mrs. A had been intimately involved with a married supervisor from work prior to marrying Mr. A.

g. Mrs. A was no match for Mr. A, and Mr. A could not possibly have been happy with Mrs. A because she was less educated and intelligent than he was.

h. Mrs. A felt trapped and only stayed in the relationship because of the kids.

i. Respondent criticized Mrs. A's mother by saying that she "used to fool around with another man" while Mrs. A's father was on deathly ill.

j. Mrs. A's mother had brought another man into the house and Mrs. A's father had discovered them together and chased the man out.

k. Mrs. A's inferiority complex comes from the way her mother treated her when Mrs. A was a child.

l. Mrs. A had bipolar disorder and severe stomach ailments.

m. Mrs. A needs to see a new therapist.

n. Issues regarding the family's relationships.

o. Respondent had given Mrs. A the name of a good female lawyer to contact, to start divorce proceedings against Mr. A.

15. Shortly after Respondent revealed Mrs. A's confidential information to Mrs. A's children, Mrs. A had no contact with from her three children, their spouses, or her grandchildren for almost one year. Mrs. A believes that the lack of contact was a result of the confidential information Respondent shared with Mrs. A's children.

### CONCLUSIONS OF LAW

1. The Medical Examining Board has jurisdiction over this matter pursuant to

§ 448.02(3), Stats.

2. The Wisconsin Medical Examining Board has authority to enter into this stipulated resolution of this matter pursuant to § 227.44(5), Stats.

3. Respondent, by willfully divulging privileged communications and confidences entrusted by a patient and deficiencies in the character of a patient observed in the course of professional attendance, when not lawfully required to do so, has committed unprofessional conduct as defined by Wis. Adm. Code § MED 10.02(2)(n) and § 448.02(3), Stats.

### ORDER

NOW, IT IS HEREBY ORDERED that Respondent, Victoria Fetter, M.D., is hereby REPRIMANDED for the conduct set out above.

IT IS FURTHER ORDERED that

1. Within 3 months of the date of this order, Respondent shall take and complete a one-day program on the subject of appropriate boundaries in relationships between health care professionals and their clients, which course shall first be approved by Board or its designee. Among the issues the program shall address are confidentiality and health care providers fiduciary duties towards patients and clients.

2. If Respondent is unable to complete the course described in the preceding paragraph within 3 months of the date of this order, Respondent shall, within that period of time, petition the Board or its designee for a reasonable extension of time within which to take and complete such a course. An extension shall be granted only in the event of an illness or other circumstance, which is found to be acceptable by the Board or its designee.

3. Respondent shall provide proof sufficient to the Board of her satisfactory completion of the education within 30 days of completion.

4. Any request for an extension of the time within which to complete the course and evidence of completion of the education required by this order shall be mailed or delivered to:

Department Monitor

Department of Regulation And Licensing

Division of Enforcement

1400 East Washington Ave.

P.O. Box 8935

Madison, WI 53708-8935

5. Respondent shall bear all costs incurred as a result of satisfying this Order.

The rights of a party aggrieved by this Decision to petition the Board for rehearing and to petition for judicial review are set forth on the attached "Notice of Appeal Information".

Dated at Madison, Wisconsin this 24th day of February, 2000.

Ronald Grossman, M.D.

Secretary

Medical Examining Board